

EXHIBIT A

Roy Williams
December 9, 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROY LEE WILLIAMS	:
	:
vs.	:
	:
JOHN WETZEL	: NO: 2:21-CV-1248

- - -
Collegeville, Pennsylvania
Thursday, December 9, 2021
- - -

ORAL DEPOSITION of ROY LEE WILLIAMS,
taken pursuant to notice, held virtually,
commencing at 11:33 a.m., before Angela M. King,
RPR, Court Reporter - Notary Public there being
present.

- - -
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A P P E A R A N C E S

(All Via Video)

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	(At this time, no exhibits were marked by the court reporter.)	

1 - - -

2 THE STENOGRAPHER: Good morning.

3 My name is Angela King, your court
4 reporter. We are taking this deposition
5 via Zoom with all parties in remote
6 locations.

7 - - -

8 ROY LEE WILLIAMS, having been duly
9 sworn, was examined and testified as follows:

10 - - -

11 THE STENOGRAPHER: Just state your
12 full name for the record, please.

13 THE WITNESS: Roy Lee Williams.

14 THE STENOGRAPHER: Thank you.

15 THE WITNESS: You're welcome.

16 - - -

17 EXAMINATION

18 - - -

19 BY MS. LE:

20 Q. Mr. Williams, I will introduce myself again on
21 the record. My name is Kathy Le. And I am
22 representing the defendant in this case that you
23 have filed against Secretary Wetzel.

24 I want to ask you, have you ever been deposed

1 before?

2 A. No.

3 Q. Okay. So, I will give you a few ground rules
4 that will tell you how it's going to go. And
5 hopefully, that will make the morning go a little
6 more smoothly.

7 So in the deposition, I will ask you a series
8 of questions. And all I ask is that you answer
9 those questions to the best of your memory and
10 your knowledge. If I ask you something and you
11 don't remember, it's okay to tell me you don't
12 remember. Do your best to try to remember. But
13 if the answer is you don't know or you don't
14 remember it, that's fine.

15 I understand that, you know, you don't have
16 anything in front of you. So again, this is --
17 it's not a memory test. It's just to the best
18 that you can do, okay?

19 A. Okay.

20 Q. And when I ask you a question, please, this is
21 for the sake of the record because there will be a
22 written transcript of this afterwards. Please,
23 answer all of my questions verbally.

24 So for example, when I ask you a question, if

1 the answer is yes, instead of just nodding your
2 head or saying uh-huh, actually say yes.

3 A. Okay.

4 Q. And the same goes if it's no, don't just shake
5 your head or say uh-uh, say no. And we all do it,
6 so I will remind you if needed.

7 When I ask you a question, if you don't
8 understand the question or you need me to clarify,
9 you can ask me to do so. But if you answer the
10 question, I will assume that you understood it.

11 Is that fair?

12 A. Yes.

13 Q. During the course of the deposition, I ask
14 that you, please, allow me to completely finish my
15 question, finish talking before you start
16 answering. And I will, likewise, allow you to
17 completely finish saying your answer, completely
18 finish before I ask my next question.

19 And again, this is for the sake of the record
20 because the court reporter can't write down, you
21 know, two people talking over each other.

22 Is that fair?

23 A. Yes. Yes.

24 Q. Okay. All right. So, let's get started.

1 Mr. Williams, again, this deposition relates
2 to the case that you have filed in the Eastern
3 District of Pennsylvania, the US Court. I -- the
4 complaint, obviously, I have reviewed.

5 But if you could, please, explain to me what
6 exactly -- I understand that your lawsuit relates
7 to the confinement of capital case inmates in what
8 you consider a solitary confinement.

9 What exactly are you looking to be the remedy
10 out of this? What do you want out of this lawsuit
11 that you are filing?

12 Are you looking for a change in your housing
13 status? Are you looking for a change in some
14 other status? Are you looking for monetary
15 relief?

16 I am trying to just understand what exactly it
17 is that you are seeking with this lawsuit.

18 A. Okay. Monetary relief.

19 Q. Okay. What is your current housing status,
20 Mr. Williams?

21 Is it accurate for me to represent that you
22 are currently housed at SCI Phoenix?

23 A. Yes.

24 Q. Okay. And what is your housing status at SCI

1 Phoenix?

2 A. Right now, in terms of like we -- I guess we
3 are still considered Level 5. We are just -- in
4 terms of, like, how much out cell time that we
5 have you mean?

6 Is that your question?

7 Q. However you understand --

8 A. Can you re --

9 Q. Yes. So you are -- what housing unit are you
10 housed in.

11 A. Okay.

12 Q. And then, we will get into the details of
13 that. But just, what is your status?

14 A. Okay. Okay. We are -- I'm housed in P Unit
15 on the east side.

16 Q. Did you say P as in Peter?

17 A. Yes. And Paul, yes, P. PB, that's my pod, B.
18 I'm in cell 1014. And I work for activities, the
19 Activities Department.

20 In January -- well, now we are allowed out
21 cell time. We're out cell time. In January, they
22 are going to let us out for out -- jobs off the
23 unit. So, I applied for a -- to work in a barber
24 shop to get my barber's license.

1 So, that's pretty much it as far as --

2 Q. Okay. And it's my understanding,
3 Mr. Williams, that as of December 3, 2019, that
4 the Department of Corrections altered the
5 administration of the Capital Case Units to allow
6 more -- for it to perform more like a general
7 population unit. That's my understanding.

8 Is that accurate?

9 A. Yes.

10 Q. Okay. And is that the current unit that you
11 are -- your current situation, is that you are
12 housed in this Capital Case Unit but with the
13 additional liberties, I guess, the less
14 restrictive movements?

15 A. Yes. Yes. The less restrictive movements,
16 exactly.

17 Q. Okay. So then, I would like to clarify --
18 well, actually, let me back up.

19 So prior to this change, this alteration to
20 the Capital Case Unit, were you housed in the
21 Capital Case Unit under the greater restrictions
22 where it operated more like a -- the restricted
23 housing unit?

24 A. Yes. They call it maximum administrative

1 custody, yes.

2 Q. And do you remember -- actually, let me back
3 again. I know that prior to your arrival at SCI
4 Phoenix, you were previously housed at -- you were
5 previously living at SCI Greene; is that right?

6 A. Yes, ma'am.

7 Q. When did you transfer from SCI Greene to SCI
8 Phoenix?

9 A. I believe it was in 1996 or '97. I think July
10 of '97 from Graterford. It was either '96 or '97.

11 Q. Okay. I'm sorry. Let me clarify my question.

12 Are you saying that in '96 or '97 you went to
13 Greene from the former SCI Graterford?

14 A. Yes.

15 Q. Okay. My -- so you were briefly at SCI
16 Graterford, is my understanding, from when you
17 were still, you know, having your trial and before
18 you were fully sentenced? No?

19 A. No.

20 Q. How long were you at SCI Graterford back
21 before you transferred to Greene in '96 or 97?

22 A. I went to SCI Graterford from the county --
23 from the county jail in 1993. December of 1993.

24 Q. Okay.

1 A. And I stayed there until I was transferred to
2 SCI Greene.

3 Q. Okay. Thanks.

4 Do you remember when you were convicted and
5 sentenced? What year?

6 A. Yes. 199 -- February of 1992.

7 Q. Okay. And so in roughly '96 or '97, you
8 transferred from SCI Graterford to SCI Greene?

9 A. Yes.

10 Q. And then, when did you transfer from SCI
11 Greene to SCI Phoenix?

12 A. July 2020.

13 Q. So between the time that you were initially
14 transferred to SCI Greene in roughly '96 or '97
15 until July of 2020, you were housed at SCI Greene
16 the entire time?

17 A. Yes, ma'am.

18 Q. Okay. And during the time that you were at
19 SCI Greene from roughly the time that you started
20 there until the time that you left, were you
21 housed in the Capital Case Unit?

22 A. Yes. This was L Unit.

23 Q. And so, you were at Greene until July of 2020
24 housed in the Capital Case Unit.

1 At what point, if at all while you were at SCI
2 Greene, did the Capital Case Unit open up the
3 restrictions that we discussed earlier?

4 A. I'm not -- I would go by the policy. The date
5 of the policy, which would be December 3, 2019.

6 Q. Yes. That's the date the policy was issued,
7 yes. So roughly, around then?

8 A. Yes.

9 Q. So while you were at Greene, you experienced
10 the relaxing of the restrictions?

11 A. Yes.

12 Q. So I would like to clarify, Mr. Williams, is
13 your -- my understanding of your complaint is with
14 regard to the -- what you describe as the very
15 restrictive nature of the Capital Case Unit.

16 Is your -- are your complaints limited to the
17 time before December 2019 when the Capital Case
18 Unit was -- you know, some of the restrictions
19 were lifted? Or are you complaining about the
20 current restrictions on the Capital Case Unit, as
21 well?

22 A. No. It's not complaining about the current
23 restrictions. It's from -- my initial enter into
24 the Department of Corrections in 1993 until

1 December 3, 2019.

2 Q. Okay. When you were at SCI Graterford prior
3 to your transfer to SCI Greene, were you also
4 during that entire period where you were at SCI
5 Graterford, I believe you said, from roughly '93
6 until '96 or '97, were you also in the Capital
7 Case Unit during that entire time?

8 A. Yes, J Block.

9 Q. J Block. So is it accurate for me to say
10 then, Mr. Williams, that the period of time that
11 you are complaining about is from the time that
12 you entered SCI Graterford until, roughly, when
13 the restrictions were lifted in December of 2019?

14 A. Yes, ma'am.

15 Q. Okay. All right.

16 So then we will -- I will try to focus on that
17 time period. Obviously, it's still a very lengthy
18 time period. At least that clarifies for me, that
19 you are not talking about the current situation.

20 We are --

21 A. Right.

22 Q. -- focused on the situation prior to the
23 lifting of the restrictions.

24 A. Yes. Yes.

1 Q. Okay. A part of your complaint relates to
2 your -- your contention that you have been
3 diagnosed with severe mental -- mental health
4 issues?

5 A. Yes.

6 Q. Okay. And in your complaint, you refer to and
7 attach some documents relating to a -- an episode
8 in 1979 where you were admitted to the
9 Philadelphia Psychiatric Center for suicidal
10 ideations?

11 A. Yes.

12 Q. How long were you admitted to the Philadelphia
13 Psychiatric Center on that occasion?

14 A. For 90 days.

15 Q. Okay.

16 A. On that occasion, 90 days.

17 Q. And did you, to your understanding, receive a
18 diagnosis of a mental health issue during that 90
19 days?

20 A. Yes.

21 Q. And what is your understanding of what your
22 mental health diagnosis was?

23 A. That I was having -- severe depression and
24 suicidal ideation. And I think it was, also, you

1 know, placement in the, like, a structured
2 environment would be helpful, too.

3 Q. You, also, wrote a reference in your complaint
4 as diagnosis or a clinical examination, two as a
5 matter of fact, in September of 1996.

6 Were those two examinations performed as a
7 result of -- well, let me rephrase.

8 Were those two examinations from 1996, did
9 those arise out of your criminal proceedings?

10 A. Yes, ma'am. For my PCRA proceedings.

11 Q. Your PCRA proceedings?

12 A. Yes, ma'am.

13 Q. Were those examinations ordered by your legal
14 counsel? I'm not asking anything about --

15 A. No, no, no.

16 Q. -- conversations. Were they ordered by the
17 court?

18 A. No. I don't believe they were ordered by the
19 Court. I believe my current counsel hired them to
20 do a clinical evaluation.

21 Q. Okay. Great. Obviously, I don't want to know
22 anything about your conversations with counsel or
23 anything like that. I just wanted to clarify
24 where those exams came from. Okay.

1 Between the time that you were admitted to the
2 Philadelphia Psychiatric Center in 1979 and the
3 examinations that you had in 1996, did you have
4 any other examinations by psychiatric
5 professionals?

6 A. Yes.

7 Q. Okay. Can you list for me, to the best of
8 your ability, your memory, what other psychiatric
9 treatments or examinations you had between 1979
10 and the 1996 examinations?

11 A. Sure. I was still a juvenile at the time. It
12 was at Friends -- I believe it was called Friends.
13 It's in Northeast Philadelphia, it's for
14 adolescents. But I don't remember the doctor's
15 name or anything like that. But I know that I
16 went there for treatment. And I guess --

17 Q. Do you remember -- I'm sorry. I didn't mean
18 to cut you off.

19 A. That's okay.

20 Q. Do you remember approximately when -- you
21 know, what year that was?

22 A. Probably around the same time frame. So what
23 was that, '79. So it probably -- it might even
24 have been before that. It was all around the same

1 time. It might have been '80. Might have been
2 '78. So, it's all around the same time frame. I
3 would say, maybe, between '77 and '80, maybe.

4 Q. Okay. And you said it was called Friends?

5 A. Yes, Friends. It's on Roosevelt Boulevard,
6 like, right around Sears -- Sears and Roebuck on
7 the Roosevelt Boulevard before you get to the
8 Oxford Circle.

9 Q. Did it have any additional words in the name,
10 like, Friends Institute or something like that?

11 A. No. But I could -- I could -- I could call up
12 my mom and get that information to you if that's
13 all right.

14 Q. Okay. Great. That would be great.

15 A. Actually, I -- I'm sorry. Actually, I could
16 get my lawyer. My lawyers probably have all that
17 information.

18 Q. Okay.

19 A. Matter of fact -- okay.

20 Q. That's fine. I will -- we will get that
21 information, okay?

22 A. Okay.

23 Q. All right. So, you said this was probably
24 roughly between '77 and '80 -- it was happening

1 around the same time as the -- when you were
2 admitted to the Philadelphia Psychiatric Center in
3 April of '79.

4 Did you -- what type of facility was Friends?
5 Was it a mental health hospital? A juvenile
6 detention center? What was it?

7 A. It wasn't a juvenile detention center. It
8 wasn't a mental hospital. It was, like, an
9 outpatient. Like, you would just go there for
10 therapy.

11 My mom would take me there. We would talk to
12 the doctor. Have, like, therapy -- you know,
13 family therapy. Yeah, just like that.

14 Q. Got it. So when you said it was, you know,
15 maybe roughly between '77 and '80, did you mean
16 that you were routinely going to Friends for
17 therapy?

18 A. Yes, ma'am.

19 Q. Okay. And how often were you attending
20 therapy at Friends?

21 A. That's a good question. That's a good
22 question. I don't remember. I don't know.
23 Maybe -- that's a long time ago. Maybe once a
24 week. I know I went there quite a few times.

1 Q. Okay. And were you attending therapy, you
2 know, individual therapy? Or I know you mentioned
3 family therapy?

4 A. Yes, it was family.

5 Q. Family therapy?

6 A. I'm sorry. Yes, ma'am.

7 Q. Okay. So, were you attending with your mom?

8 A. Yes.

9 Q. Is it possible -- does this jog your memory,
10 let me ask it that way.

11 If the therapy sessions at Friends resulted
12 from, you know, the doctors' recommendation when
13 your admitted at Philadelphia Psychiatric Center?
14 Because I recall in those records they mention
15 something about family therapy.

16 Does that ring a bell that maybe that's how
17 that came about? If you don't remember, you don't
18 remember. That's okay. Just trying to see if it
19 jogs any memories.

20 A. I'm not actually sure --

21 Q. Okay.

22 A. -- which came first.

23 Q. That's fine. So, do you believe that you
24 attended therapy at Friends for -- over the course

1 of several years?

2 A. No. It wasn't several years. It wasn't that
3 long I don't think.

4 Q. Do you remember, roughly, what the time frame
5 might be that you were attending sessions there?

6 A. I would say maybe a year at the most. One
7 year at the most. I don't remember it being over
8 a year. It couldn't have been over a year.

9 Q. Okay. And do you remember if you received any
10 actual diagnosis during the time that you were in
11 therapy at Friends?

12 A. No. No, I don't.

13 Q. All right. So between the time that you
14 concluded your therapy sessions at Friends and
15 prior to, you know -- between that time which you
16 dated as maybe between '77 and '80 for about a
17 year at most until 1996 when you had those two
18 clinical examinations, can you remember any other,
19 you know, treatment or examinations that you had
20 with a psychiatrist, psychologist, mental health
21 professionals?

22 A. No.

23 Q. Okay.

24 A. No.

1 Q. So after -- after the therapy at Friends and
2 this 90-days commitment at the Philadelphia
3 Psychiatric Center, nothing -- you don't recall
4 anything else until your two examinations in 1996.

5 Is that accurate?

6 A. No. I went back -- I went back there again.

7 Q. You went back where again?

8 A. PPC, Philadelphia Psychiatric Center.

9 Q. Okay.

10 A. I went back there for another 90 days on a
11 voluntary.

12 Q. So the first -- the first visit that you had
13 there was involuntary?

14 A. Yes.

15 Q. And is that the one that took place in April
16 of 1979, the records of which you included in your
17 complaint?

18 A. Yes.

19 Q. Okay. When -- to the best of your memory,
20 when did you return to PPC?

21 A. Would have had to have been several months
22 after that. I would say within three to six
23 months after that, that I was -- yeah. Yeah.

24 Q. Within three to six months of your first

1 visit?

2 A. Yes, ma'am.

3 Q. Okay. And how long did you stay voluntarily
4 at PPC on that second occasion?

5 A. I believe it was 90 days again.

6 Q. And do you recall if you received any
7 diagnosis during that time period on your second
8 visit?

9 A. No. I would have to check --

10 Q. Um --

11 A. I'm sorry. Go ahead.

12 Q. No. I --

13 A. I was going to say, I have it in -- I have the
14 records. I would have to look at the records to
15 see what the diagnosis was.

16 Q. That's fine. Do you have the records in your
17 possession? Or would you need to request them?

18 A. No, I have them.

19 Q. Okay. Great. So, I will go ahead and say it
20 on the record. But I'll send you -- I will say it
21 now because the mail -- trying to get mail to you
22 back and forth is always so slow.

23 But if you could, please, send me whatever
24 records you have relating to, you know, your

1 mental health status.

2 A. I can send you everything. I can get that
3 right to you.

4 Q. Great. That would be very helpful. Thank
5 you, sir.

6 Okay. All right. So, do you recall any other
7 psychiatric treatment you received outside of
8 those two PPC visits and then the therapy at
9 Friends that we just discussed?

10 A. No.

11 Q. Okay. After you were admitted -- no, excuse
12 me. After you were entered DOC custody, your
13 first institution was SCI Graterford, I believe,
14 correct?

15 A. Yes.

16 Q. Okay. When you were at SCI Graterford -- when
17 you first entered SCI Graterford, excuse me, did
18 you initially see somebody in the mental health
19 unit?

20 A. In the initial, I don't remember that. I'm
21 quite sure I did, but I don't remember. Like, the
22 first day you go, you talk to a lot of people.
23 But maybe one of them was from the mental health
24 staff, but I don't remember. I talked to a lot of

1 people the first that I that, you know.

2 Q. Did you --

3 A. But after --

4 Q. I'm sorry. Go ahead.

5 A. No, go ahead. Go ahead. I'm sorry.

6 No, I was going to say, afterwards, I did talk
7 to the mental health staff.

8 Q. Okay. During the time that you were at SCI
9 Graterford, did you routinely get to, you know,
10 speak to the mental health staff?

11 A. Routinely, no. Routinely, no.

12 Q. Okay. How frequently were you -- did you
13 speak with the mental health staff when you were
14 at SCI Graterford? I know I'm trying to isolate
15 some period of time.

16 A. Sure.

17 Q. It was so long ago. But again, to the best of
18 your memory?

19 A. Well, there was one occasion that I requested
20 to see the Mental Health Department staff because
21 I was having some bad thoughts. And after that, I
22 had a -- shortly after that I had a suicide
23 attempt.

24 And they put me in a POC cell, it's like an

1 isolation cell where they take all your clothes.
2 And for, I forgot how long it was. Either 48
3 hours or 72 hours. I'm not sure how long it was.
4 Then I got out. And that's when I seen the mental
5 health staff, that I really remember talking to
6 the mental health doctor for the first time.

7 At that time -- so, I tried to commit suicide.
8 I made a noose out of a sheet. And when the put
9 me in the cell, I told them that I was just faking
10 because I wanted to get out of the cell. That --
11 not that I was faking, that I was -- I told them
12 that I was trying to get to another unit to make a
13 phone call just to get out the cell.

14 Basically, I was telling them anything just to
15 get out of the cell, the POC cell. And that I was
16 okay. That it was nothing wrong with me. And
17 then, they put me on DC status for, like, six
18 months for trying to commit suicide for making a
19 noose.

20 And basically after that, I never really had
21 any contact with the Mental Health Department.
22 After that, I just dealt with everything on my own
23 as far as you know how I was feeling, depression
24 and --

1 Q. So after -- after your suicide attempt, you
2 said you were placed in a POC cell?

3 A. Yes, ma'am.

4 Q. Is that a -- does POC stand for psychiatric
5 observation cell?

6 A. Yes.

7 Q. And after that, you said you spoke to staff
8 from the mental health staff. And afterwards, you
9 were placed on DC status?

10 A. Right. Before that, I told them that nothing
11 was wrong with me. That I was okay. You know,
12 just I wanted to get back to the unit just to get
13 out the cell. That's what I told the doctor.

14 And he asked me -- I'm sorry. Go ahead.

15 Oh. And he asked me, did I want to get on
16 Prozac. And I said, no, I didn't want to take any
17 medication. And yeah, that was pretty much it.
18 It was really quick. It wasn't that long of an
19 interview.

20 And then, yes, I was placed on DC status for
21 making the noose. And DC status is where they
22 take all your property out of your cell, like,
23 your TV and radio. And you only get to go to the
24 yard by yourself. So basically, you're isolated

1 on top of being isolated. But you are still on
2 the unit with everybody else. You don't go to a
3 separate unit.

4 That's how Graterford was back then. You
5 still stayed in your cell. They just took all
6 your property out of your cell.

7 Q. I see. So while you were on -- the time you
8 were on DC status, you were returned to the --
9 your regular housing unit, but they removed all
10 your possessions out of the cell?

11 A. Yes, ma'am.

12 Q. Okay. And that lasted for roughly six months
13 you believe?

14 A. Yes.

15 Q. And I believe you said that after that
16 incident, you -- you no longer sought assistance
17 from the mental health staff?

18 A. Yes.

19 Q. Okay. So then, the rest of your time at SCI
20 Graterford outside of that incident, you didn't
21 speak to anyone in the mental health staff?

22 A. Not that I remember, no.

23 Q. And then, what about when you transferred to
24 SCI Greene in whatever year it was '96/'97?

1 Did you -- did you at -- during your time at
2 SCI Greene, do you remember speaking to the mental
3 health staff?

4 A. Yes.

5 Q. And I know that your time there was long, so
6 I'm asking for a very long period of time.

7 What do you remember were your interactions
8 with the mental health staff? Did you have, you
9 know, routine checkups with them? Or was it, you
10 know, sporadic based on incidence?

11 A. So, there was staff that would come around
12 every now and then just -- you know, just doing
13 like a walk by. How you doing? So, that was the
14 mental health staff, I guess, doing their, you
15 know, weekly rounds or something like that. But
16 no out-of-cell interviews or anything like that.

17 Then I had a case of -- well, during that
18 time, we weren't allowed to bring water out in the
19 yard. You can get misconduct for bringing water
20 out in the yard. I had a minor case of heat
21 exhaustion. And based off of that, they sent me
22 to the Mental Health Department. They referred me
23 to the Mental Health Department.

24 So, that's when I remember talking to the

1 mental health staff after my case of heat
2 exhaustion.

3 Q. Do you remember approximately when that was?

4 A. Let me think. Took me a year to recover from
5 that. It was really bad. I couldn't -- it was
6 really bad. I had a headache for, like, six
7 months straight. I had to sleep sitting up. I
8 couldn't lay down. I would get real dizzy when I
9 laid down. The sun would make me dizzy if I went
10 out to the sun.

11 So heat exhaustion, it was -- it affected me.
12 Took me a year to recover from it. So I would
13 say, maybe around 2008 or 9 maybe or maybe even
14 later than that. I'm not sure. It was a while
15 ago. But I could check the records and get that
16 to you.

17 Q. Okay.

18 A. I could have my -- I'm sorry.

19 Q. No. I was just saying okay.

20 A. Oh, okay.

21 Q. So that incident with the heat exhaustion,
22 that was the first time you had an actual
23 one-on-one session with mental health staff?

24 A. Yes.

1 Q. Okay. And then, what about after that
2 incident?

3 A. After the restrictions were -- the relaxed
4 restric --

5 Q. No, I'm sorry. After the incident with the
6 heat exhaustion where they then sent you to --
7 referred you to mental health staff.

8 Did you then -- did you only have one session
9 with them? Or did you then, you know, start
10 having routine sessions with them?

11 What happened after that is what I'm asking?

12 A. I believe his name is Dr. Khan. He came to
13 see me at least three or four times on the unit.

14 Q. Could you repeat that name again?

15 A. I believe it was Dr. Khan. I'm not sure. I
16 know he was Arab and he was Muslim. I'm not --
17 his name might have been Dr. Khan.

18 Q. Got it. Okay.

19 So Dr. Khan -- we will assume that's his name
20 for these purposes -- saw you to the best of your
21 recollection three or four times on the unit
22 following the incident with the heat exhaustion?

23 A. Yes. And it was one other doctor other than
24 that. I believe he came to see me twice. I don't

1 remember his name, but he was an Indian doctor.

2 Not Native American, but Indian from India.

3 Q. Understood.

4 A. Okay.

5 Q. And this -- so this second doctor also came to
6 see you, you said, two times on the unit?

7 A. Yes.

8 Q. And that was in conjunction with when Dr. Khan
9 was seeing you?

10 A. Yes, ma'am.

11 Q. Now, were those two doctors seeing you
12 together, or were they seeing you separately?

13 A. Separately.

14 Q. And do you recall if Dr. Khan or this other
15 doctor made any kind of diagnosis with regards to
16 your mental health?

17 A. No, I do not.

18 Q. After those visits with Dr. Khan and the
19 Indian doctor, do you remember any other
20 interactions with the mental health staff while
21 you were at Greene?

22 A. Yes, ma'am. Yes.

23 Q. Okay. If you can relate those to me to the
24 best of your recollection.

1 A. Sure. After those relaxed restrictions, we
2 had a mental health staff on the unit during the
3 daylight hours. I forgot his name. And I talked
4 to him -- you know, I would talk to him when he
5 would do his rounds. He was a really nice guy.

6 I would just talk to him. He helped me get
7 the DSM-5. That's like a mental health book, the
8 DSM-5. And I wanted to be in the CPS program,
9 enrolled in the CPS program, but they already had
10 full enrollment at the time. And you had to be at
11 least a C or a B roster -- on the mental health
12 roster.

13 And he checked. And he said, yes, I was a C
14 at one time, but I was downgraded to B roster.
15 And yeah, that was pretty much -- you know, I
16 would speak to him from time to time. He was
17 really nice. But not as far as on therapy, just
18 in general.

19 Q. Do you remember that person's name?

20 A. No.

21 Q. Okay.

22 A. No, I don't remember.

23 Q. And you mentioned that you were trying to get
24 onto something, but it was full. What was that

1 again?

2 A. CPS.

3 Q. And what is --

4 A. Certified peer specialist.

5 Q. So you were -- you wanted to be, I don't know
6 if qualified is the right word, as a certified
7 peer specialist? Or you wanted to be assigned to
8 a certified peer specialist?

9 A. No, qualified. To actually be a certified
10 peer specialist.

11 Q. Got it. And what is a certified peer
12 specialist?

13 A. I know they have to take a lot of classes. I
14 guess, they usually make rounds, you know, check
15 on the prisoners to make sure they are doing all
16 right. Speak to them, listen to whatever they got
17 going on. You know, just trying to help them out.

18 Q. Got it. But this all was after you said the
19 restrictions were relaxed?

20 A. Yes.

21 Q. Okay. And you said after the restrictions
22 were relaxed, they -- the institution then had
23 mental health staff sitting in the unit every day
24 during the daylight hours?

1 A. Yes. They had their own office, yes.

2 Q. Got it. And anybody was able to go and visit
3 them in their office during those hours?

4 A. Yes. Yes.

5 Q. And prior to that, the mental health staff
6 would, I believe you said, come on the block and,
7 you know, do a round -- like, walk around the
8 cells and ask you -- maybe poke their head in and
9 ask you how you are feeling. But they didn't have
10 an office on the block.

11 Is that accurate?

12 A. Yes, ma'am. Yes.

13 Q. Prior to DOC relaxing the restrictions and
14 allowing the mental health staff to have an office
15 on the unit, were you able to have a one-on-one
16 session with the mental health staff if you
17 requested it?

18 A. Yes.

19 Q. So if they asked you during their rounds, you
20 know, how are you feeling and then you related to
21 them, you know, maybe I'm not feeling so great,
22 you know, could I talk to you one-on-one, would
23 they then sit with you one-on-one or schedule you
24 for an appointment?

1 How would that work?

2 A. I believe they would schedule me for an
3 appointment. Or maybe they might just -- I guess,
4 they would schedule me for an appointment. Or
5 maybe they might even -- depending on the
6 seriousness of it, they might even just take you
7 out the cell and put you in an office and maybe,
8 you know, see what's going on depending on what
9 you say, yeah.

10 Q. But during that time, you didn't -- you never
11 requested to have a one-on-one session with them
12 or anything?

13 A. No, ma'am.

14 Q. Okay. During the times when they were walking
15 around doing their check-ins with people, did you
16 ever relate to them, you know, I'm not feeling too
17 good? I'm feeling kind of down?

18 A. No. I would always say I'm okay.

19 Q. Do you remember if at any time you requested
20 assistance from the mental health unit or
21 expressed, you know, to the guards that you were
22 feeling down or, you know, suicidal and they
23 didn't -- you know, they didn't give you
24 assistance? They didn't make an appointment for

1 you at the mental health?

2 A. No. I never -- that never happened at Greene,
3 just at Graterford with the suicide and asking for
4 help then. But at Greene, no.

5 Q. Okay.

6 A. But would they -- would they -- you're asking
7 would they just ignore that?

8 Q. No. I was just asking if you remember any
9 time where you had -- where they had ignored you?

10 A. Oh, no, no, no.

11 Q. In your time at SCI -- well, actually, let me
12 rephrase my question.

13 During your time with the DOC, to your
14 knowledge, has any mental health professional
15 given you any kind of diagnosis?

16 A. No, not that I'm aware of. But that doesn't
17 mean that they haven't because I was on a C roster
18 for a while. And so, I just haven't seen the
19 records to see what I was diagnosed with from
20 their doctors, from the department's doctors.

21 It's kind of hard to get those records.

22 Q. Yeah.

23 A. They won't let me see the mental health
24 records.

1 Q. Okay. But you are aware that you were on the
2 C Roster for some period of time?

3 A. Yes. That was -- yes. They told me that I
4 was on the C Roster for some period of time, yes.

5 Q. Okay. Do you know if you are -- let me back
6 up. Are you made aware of what your status is,
7 whether it -- you know, whether you are A, B or C?

8 A. Just from that conversation with the doctor at
9 Greene when I was trying to be a CPS. And he said
10 I was downgraded to a B Roster.

11 Q. So you -- at this point in time, you have no
12 idea what your roster is?

13 A. Status is, no.

14 Q. Your status, okay. But based on that
15 conversation with that therapist or doctor, we're
16 not sure what he was at Greene, he did tell you at
17 that time that at some point you were the C Roster
18 and then you had been switched to a B Roster?

19 A. Yes, ma'am.

20 Q. Okay. Are there any -- let me back up.

21 Other than that incident at SCI Graterford
22 that you described to me earlier where you were
23 placed on DC status after your suicide attempt,
24 during the time where you were at SCI Greene, were

1 you ever placed on DC status to your memory?

2 A. Yes. Oh, yes.

3 Q. Do you remember when that was or --

4 A. No. But I could tell you what they were for,
5 but I don't remember. It was --

6 Q. Sure.

7 A. Shadowboxing the yard. One was for -- they
8 had the cable on in the cell. And I -- and I had
9 like a wire hooked up instead of like real cable.
10 So, they got me for cable theft one time. So, I
11 got like 30 or 15 days for that.

12 And maybe, like, in our yard -- I don't know
13 if you've ever seen how the yards is, but like
14 cages, small cages.

15 Q. I have seen it, yes.

16 A. Okay. So at that time, after a while, they
17 let us have basketballs but with no basketball
18 hoop or anything. So what we would do, we take,
19 like, a string, tie it up in the corner to make,
20 like, a little triangle basketball hoop. So, I
21 got misconduct for that.

22 But I beat that one, but I did get a
23 misconduct for that, for tying it up. But I
24 didn't get DC for that.

1 Let me see what else.

2 Oh, at Graterford -- you want to know at
3 Greene -- well, Graterford, I was a little -- I
4 was going through because I had just came through.
5 I was a little rough. And yeah, it was a little
6 rough. And staff was a little, you know, hard on
7 us.

8 So one time I -- the guard -- I was praying
9 because I'm a Muslim and I was praying. It was at
10 breakfast time. And my tray was still on the
11 slot. And they just threw my tray in the trash.
12 So, I got a little upset. And I broke my chair
13 and took the wood and slung it at him.

14 But it didn't hit him, but I got a misconduct
15 for that. And I think that's why I got
16 transferred to Greene based off of that incident.
17 And actually, Officer Harris became our -- he got
18 transferred to Greene. And he was, actually, our
19 counselor at Greene.

20 So yeah, it wasn't a problem, you know, after
21 that. It was just a quick incident. But I
22 believe that separation -- when I was talking to
23 the mental health staff at Greene when I wanted to
24 be CPS and they -- you know, he was going over my

1 record. And that was still on my record that
2 incident with Officer Harris when I broke my
3 chair.

4 But other than that, at Greene it was all, you
5 know, just some minor stuff. But I would say when
6 I broke the chair and tried to hit Officer Harris
7 with the chair, a piece of the wood of the chair,
8 that was, you know, probably the worst thing.

9 Q. If you could just describe to me,
10 Mr. Williams. You know, we discussed already that
11 the treatment that you're complaining about is
12 during the time that you were -- prior to when the
13 prison relaxed the Capital Case Unit.

14 A. I'm not actually complaining about the
15 treatment. That's not my complaint.

16 Q. Okay. Yes. So I'm going to -- the question I
17 am leading up to is, if you can just describe to
18 me in your own words, clarify what conditions or,
19 what have you, are you focused on in terms of your
20 litigation?

21 A. Okay, good. I'm talking about failure to
22 accommodate, like, with programs that they had
23 available for us. Like, out of cell program,
24 psychotherapy out of cell, group therapy, anger

1 manager. It's a thing called WRAP. It's a
2 wellness -- that's an acronym for it. But it's
3 wellness -- I forgot the name of it, but it's
4 called WRAP. And they have a lot of programs,
5 like, music therapy, art therapy.

6 So, all those things that the department --
7 all these services that they had, these mental
8 health services, we weren't allowed to have
9 because of our status of our capital sentence.

10 So basically, that's what I am saying. It's a
11 failure to accommodate claim.

12 Q. Okay. And this is, again, just as regards to
13 the time period before the Capital Case Unit was
14 relaxed.

15 Is that accurate?

16 A. Yes, ma'am.

17 Q. At this time, do you feel that you do have
18 access to those services?

19 A. No. They haven't started any of that, any of
20 those type of programs yet. There is -- going to
21 be starting in January.

22 Q. Okay.

23 A. Like all the -- I'm sorry.

24 Q. No. No. Go ahead.

1 A. No. Like, as far as the anger management
2 programs, you know, anything off the unit. Like I
3 mentioned earlier that I was -- I applied for --
4 be in the barber program to get my barber's
5 license. So in January, they are going to be
6 opening it up.

7 And now, we just have out-of-cell time. But
8 we are not -- we don't have access to any program
9 services yet.

10 Q. Okay. So is your complaint -- so, you said
11 your complaint relates to the failure to
12 accommodate for out-of-cell programs. And you
13 mentioned these therapy programs, various therapy
14 programs.

15 Is that -- is that the sole focus? Or are
16 there other services or programs that you feel
17 that the DOC, you know, failed to provide to you
18 that are part of your complaint?

19 A. Yes. Any -- I'm saying, anything that they
20 have -- not just mental health programs, any
21 programs that we were entitled to have.

22 But yeah, I would say it's more geared towards
23 the mental health programs. And by definition,
24 solitary confinement wouldn't allow that. Maximum

1 administrative custody wouldn't allow for any
2 programs because you were locked in. So they
3 wouldn't bring -- yeah, they wouldn't do anything.

4 So we decide to, you know.

5 Q. Are you -- does your complaint encompass any
6 other restrictions of the Capital Case Unit other
7 than various, sounds like, group programs is a
8 thing that you've related to my earlier, mental
9 health ones, but other types of programs, as well?

10 You know, are you encompassing any other type
11 of, you know, restrictions --

12 A. Yes.

13 Q. -- that were placed on the Capital Case Unit?

14 A. Yeah. Like, the program services other than
15 mental health. Like, being able to give
16 off-the-unit job, like -- as far as like my
17 barber's license. So I would say, vocational
18 programs, as well.

19 Q. Okay.

20 A. And educational programs, you know, off the
21 unit. I know they did have a GED in-cell program.
22 But anything, you know, that was -- that similarly
23 situated non-Capital prisoners with non-health
24 issues had access to, that's what, you know, my

1 complaint is geared towards.

2 Did I say that right? Is that okay?

3 Q. Yeah. Yeah. I'm -- absolutely. You are
4 doing great.

5 A. Okay.

6 Q. All my questions are just designed to help me
7 understand --

8 A. Okay.

9 Q. -- specifically what your complaint is about.
10 And that will help me answer it.

11 A. Okay.

12 Q. Did you -- do you remember any specific
13 programs that you ask to be -- to have access to?

14 A. No. Only time they were -- it was requested,
15 was from the ACLU requested, you know -- the
16 Department of Corrections, you know, wrote a
17 letter to Secretary Wetzel. I think it was in
18 2017 based off of the -- their reforms that they
19 made, you know, based off their 2014 Department of
20 Justice Report on how the department was using
21 solitary confinement on prisoners with mental
22 health and intellectual disabilities.

23 And based off the Disabilities Rights
24 Settlement Agreement with the Department of

1 Corrections, they made reforms for non-Capitals
2 and changed their policies and, you know, gave
3 them access to the program. But they didn't do it
4 for the Capitals. So -- and yeah, that was the
5 only time that it was requested not by me
6 personally, but requested through the ACLU.

7 And the Department's response was that they
8 were going to continue their Capital Case Housing
9 Policy as administrative -- Maximum Administrative
10 Custody. Which, in turn, brought about Reed v.
11 Wetzel. And based off of Reed v. Wetzel, now
12 that's how we got the relaxed restrictions. And
13 now, we are going to be able to have access to
14 program services.

15 But my complaint is geared toward those past
16 violations of failure to accommodate.

17 Q. And what do you -- if you can clarify, what do
18 you mean by that? These -- you said your
19 complaint is geared towards these past violations.

20 What do you mean?

21 A. Like when I first came in. When I first had
22 the issue with the suicide attempt. And know they
23 had suicide prevention and all those things. And
24 they never -- their response was punitive based

1 off of my suicide attempt. So, that really turned
2 me away from the mental health department. And I
3 withdrew and just dealt with, you know, whatever I
4 was feeling myself.

5 Yeah. So, yeah. So I'm saying -- I guess I'm
6 saying that they had -- they had these programs
7 and these services available. I don't believe
8 that it's -- relies on a request. Solitary
9 confinement in -- by its definition doesn't allow
10 for it, for any of those programs. Yeah, so --
11 yeah. And yeah, it just doesn't allow for any of
12 those programs.

13 Can I say one thing?

14 Q. Of course.

15 A. It's not -- I remember Jennifer Bangel asking
16 me a question, so maybe I could just -- that it's
17 not -- I'm not challenging solitary confinement.
18 It's not a face -- it's how they apply solitary
19 confinement to a person, to an inmate who has
20 mental health -- mental health disability, how
21 they applied it to me.

22 Q. Okay --

23 A. I'm not challenging -- I'm sorry.

24 Q. I was going to clarify. So, you're saying

1 that your complaint is -- is -- is an as-applied
2 challenge with regards to the application of
3 solitary confinement to you, Mr. Williams?

4 A. Yes, ma'am.

5 Q. Because of your mental health status?

6 A. Yes, ma'am.

7 Q. And I didn't mean to cut you off when you were
8 about to say something else.

9 Did you want to clarify something else?

10 A. I don't even remember what I was going to say.
11 I'm sorry.

12 Q. That's fine.

13 A. That's okay. It might pop up.

14 Q. It's the nature of these, you know, remote --

15 A. Delays.

16 Q. -- depositions. Yeah, exactly. I mean,
17 they're a great tool in many ways. But
18 inevitably, there is at least a little bit of a
19 slight lag.

20 And, Mr. Williams, did you ever, you know,
21 file or submit a grievance or anything like that
22 during the time, you know, all these years over
23 the years, did you ever file a grievance or
24 anything related to your inability to have access

1 to any programs or what have you?

2 A. Yes.

3 Q. Do you remember -- well, let me ask you this.

4 Do you still have copies of those grievances
5 that you filed?

6 A. Yes.

7 Q. Okay, great. So, I will ask you for copies of
8 those? Do you --

9 A. Well, I don't -- I'm sorry. Go ahead.

10 I don't have -- what do I have? I have the
11 numbers.

12 Q. Oh, yeah. If you have the numbers, go ahead
13 and give me the numbers.

14 A. I can give them to you now. Do you want the
15 numbers now?

16 Q. Sure. Happy to write them down.

17 A. All right. One is 916331. Okay. And the
18 other one is -- I don't have the other one, but I
19 can get that to you.

20 Q. Okay. That's not problem?

21 A. Sorry. I didn't bring that with me.

22 Q. No problem. Do you remember roughly when you
23 filed the grievances?

24 A. Okay. One -- okay. Sure.

1 So the first one -- the one that you have the
2 number for was 2/24/2021 -- February 24, 2021.

3 And the first one was December 21, 2020.

4 Q. Sorry. Hold on. There's helicopter flying by
5 or something. Just give me a second.

6 Okay. Could you repeat that again?

7 A. Sure. So, the first one was 12/21/2020. So,
8 I actually filed two grievances.

9 Q. Great. Okay. And other than those two
10 grievances, do you recall filing other grievances
11 related to these issues?

12 A. No, ma'am.

13 Q. Okay.

14 A. I did not file any other grievances related to
15 these issues.

16 Q. Okay. And the grievances, I will get copies
17 of those grievances. So, you don't have to tell
18 me verbatim.

19 But just while we are sitting here, the two
20 grievances that you filed, one in December of 2020
21 and then another in February of 2021, did they
22 relate to -- do they relate to things that are
23 happening now? Or did they -- are they related
24 to, you know, the things that we've been

1 discussing from -- you know, that happened in the
2 past?

3 A. Happened in the past.

4 Q. Okay. Is it say for me to assume that what
5 you put in those grievances are the things that we
6 have discussed here today?

7 A. Yes.

8 Q. And don't worry, like I said, I will get
9 copies of those grievances.

10 A. Yeah. Okay.

11 Q. Is there anything in those grievances that we
12 haven't discussed yet that you want to tell me
13 about?

14 A. Oh, it does actually -- sorry. It does
15 actually name -- it 1994, it mentions Dr. Spector.
16 I got that from my attorney. So, that would be
17 Dr. Jay Spector.

18 It mentions that that doctor diagnosed me
19 with -- I put in here, psychiatric disability.
20 So, it may have been another diagnosis. It may
21 have been -- it may have been depression or, I
22 forgot what it was. But I characterize it as a
23 psychiatric disability.

24 So what you have is like -- like -- like just

1 as far as in the criminal side, your lawyers would
2 ask you this -- you know, file a release form so
3 they can have all your mental health records and
4 do the mitigating investigation and all that.

5 So, but they have an agreement with the
6 Department of Corrections not to give you copies
7 of the mental health records. But they will tell
8 you what's in them over the phone or give you an
9 idea of what --

10 Q. Hold on. Hold on, Mr. Williams. I don't want
11 you to accidentally tell me anything about
12 discussions you've had with your lawyers.

13 A. No, no, No. Okay. I'm sorry.

14 Q. I just --

15 A. Okay.

16 Q. I want to protect your attorney/client
17 privilege with your lawyers.

18 A. Okay.

19 Q. I don't want to accidentally take you down
20 that road or for you to accidentally reveal
21 anything.

22 A. Okay.

23 Q. I understand, but you don't need to tell me
24 anything more.

1 A. Thank you.

2 Q. Obviously, you're psychiatric records will be
3 obtained and, you know, they will speak for
4 themselves. Don't worry about that.

5 A. Okay. I'm sorry.

6 Q. No, no. Don't apologize to me. I just want
7 to make sure you don't accidentally say anything
8 that will waive your privilege.

9 Okay. Well, sir -- is there anything,
10 Mr. Williams, that I haven't already asked you,
11 you know, that we haven't already discussed that
12 you -- you know, is a part of your complaint and
13 that you want to discuss with me?

14 You know, is there anything we haven't, like,
15 already discussed that you want to tell me?

16 A. In the answer, there was two defenses:
17 Failure to exhaust administrative remedies and
18 statute of limitations. But as far as the
19 administrative remedies, we -- prisoners, as far
20 as the 804 Policy, that's the grievance policy --
21 we are not allowed to -- that's not an available
22 grievance -- let me say this correctly.

23 It's not an available avenue to complain or
24 challenge your conditions of confinement. So

1 there is no -- you can't challenge -- under the
2 804, you can't challenge the Secretary's decision
3 of placing Capitals in Maximum Administrative
4 Custody.

5 And so if you are asking for accommodations,
6 you can't -- reasonable accommodations, you
7 really -- there is no avenue that -- to request
8 that based off of conditions of confinement
9 complaint. There is no way to -- there is no way
10 to grieve it. Even the -- they have a form called
11 Reasonable Accommodations Form, like, mental
12 health disabilities -- or, excuse me, just
13 disabilities, not mental health. Just
14 Disabilities Accommodation Form 006.

15 And that, you can't -- prisoners can't -- it's
16 not an available means to challenge conditions of
17 confinement by being placed in a maximum
18 administrative custody and a failure to
19 accommodate. Like you say, okay, I'm in
20 administrative custody and I want these programs.
21 That's not even an available avenue through that
22 policy that determines that. So, the only way we
23 can challenge is through the Secretary of the
24 Department of Corrections.

1 And the ACLU did make that request, and they
2 denied that request. And there was a lawsuit,
3 Reed v. Wetzel, which brought about our relaxed
4 restrictions. And now my complaint is geared
5 towards monetary damages for the failure to
6 accommodate for all the years prior to that.
7 Yeah. Basically, that's pretty much it.

8 And it's a -- as far as the statute of
9 limitations is coming, alleging continual
10 violations doctrine, that it was a continual --
11 that the last act was December 3, 2019. And then,
12 I filed within two years of that date, of that
13 last prior act.

14 Would you like some -- I'm sorry. I'm sorry.
15 Go ahead.

16 Q. No, sir. I was just going to thank you. I
17 don't have any further questions.

18 A. Oh, okay.

19 Q. Yes. So, I was going to wrap up because I
20 don't have any further questions. And just, you
21 know, again, ask you if there is -- I appreciate
22 all your answers today and all the information you
23 provided.

24 Is there anything else you want to let me

1 know? Or otherwise, I am going -- finished for
2 the day?

3 A. So that's it? That's all you need from me?

4 Q. That's all I need from you, sir. The nature
5 of these deposition is simply to really understand
6 what your allegations and your complaints are.

7 You know, this one is --

8 A. So, how do you see it?

9 Q. Well, I can't really answer that. You will --
10 my assessment of the case.

11 A. I will see that --

12 Q. My feelings about the case will be in the
13 motion, of course. But, you know, the deposition
14 is a discovery too just so I can really, truly
15 understand what it is your allegations are.

16 And I think that, you know --

17 A. Okay. I do have one other thing to say.

18 Q. Sure.

19 A. Basically, similar to the Palakovic -- have
20 you heard of Palakovic vs. Wetzel?

21 It was guy -- Jason[sic] Palakovic. He
22 committed suicide at SCI Correction at around the
23 time that the Department of Justice was doing
24 their first initial investigation. And so, his

1 family sued the Department.

2 And what the Court found was that they were
3 aware that Brandon had suicidal ideation. He was
4 on the mental health roster. And despite all
5 that, they kept him in solitary for, like, 60 days
6 here and 60 days there, something like that. And
7 while he was in solitary, he committed suicide.

8 So, they wind up settling, you know, after
9 that. But yeah, so basically that's what my
10 complaint. They were aware that I was on the
11 mental health roster. They were aware of my
12 disability. And despite that knowledge and the
13 risk and the harm, they kept me in solitary and
14 failed to accommodate me with any type of programs
15 or anything.

16 And that's the end of that. That's pretty
17 much it. Oh, the DOC did acknowledge. And based
18 off -- there were some cases like, as far as, the
19 failure to exhaust and no available administrative
20 re -- they have actually admitted that what I'm --
21 in other cases like in Johnston and in Powell vs.
22 Fisher, that the 804 Policy, a person challenging,
23 you know, administrative custody can -- you know,
24 that's not an available means.

1 And so, Furgess vs. Pennsylvania Department of
2 Corrections, it's a recent 2019 case where a guy
3 was put in RHU. He was denied a shower for about
4 90 days. And Third Circuit Court of Appeals held
5 that it didn't matter why he was in RHU. That the
6 prisoners -- how did he say it? A prisoner's
7 right to reasonable accommodations isn't stripped
8 because he's placed in administrative custody or
9 RHU. And the Prison's obligation to comply with
10 ADA and the RA, they have -- excuse me, they have
11 an obligation to -- no matter -- regardless of the
12 reasons why a prisoner is housed in administrative
13 custody.

14 So basically, that's the claim. They failed
15 to accommodate a person with a mental health
16 disability, but they accommodate people with
17 physical -- prisoners with physical disabilities,
18 like, accommodating with an accessible shower, a
19 wheelchair. So, these other similar-situated
20 prisoners, their physical disabilities is
21 equivalent to a person -- prisoner who has a
22 mental health disability. They fail to
23 accommodate as far as Capital, yeah.

24 So basically, that's -- basically, that's it.

1 It's a failure to accommodate claim.

2 Q. Okay.

3 A. And that's it.

4 Q. Okay. Your complaint also states that you're
5 bringing it under the 8th and 14th amendments. Is
6 that part of your complaint? Or really, is your
7 complaint under the Americans with Disabilities
8 Act?

9 A. It's under both. It's under both. It's under
10 both.

11 Q. That's fine. Okay, sir. Well, thank you. I
12 really appreciate your time today. If you could,
13 please, just send me a copy of the materials that
14 you have.

15 A. The mental health records?

16 Q. Yes. Whatever it is that you actually have in
17 your possession, I'm not asking you to go and
18 request it from anybody else. But if you already
19 have copies of any of -- anything that you think
20 is related to your claims, if you already have
21 copies in your possession, if you can send those
22 to me.

23 I know we discussed today the mental health
24 records and the grievance records. If you have

1 copies already in your possession, please, go
2 ahead and send that to me. I'm not asking you
3 again to, you know, ask somebody else.

4 Okay?

5 A. Okay. Yes, ma'am.

6 Q. All right, sir. Well, again --

7 A. I have on --

8 Q. -- I appreciate your time.

9 A. I have one other thing to say.

10 Q. Yeah.

11 A. I seen -- this in nothing dealing with the
12 case. This is just on a personal thing.

13 I was watching TV the other day. And I saw a
14 lot of Asian-American community, like, at a rally
15 protesting Asian hate. And I just want to say
16 that I'm sorry that the Asian community is going
17 through that now. When I was coming up, we didn't
18 feel that way. My generation didn't feel that way
19 about Asians. We looked up to them, like, all the
20 martial arts and movie stars.

21 So, I just want to say I'm sorry for what they
22 are going through. And things will get better.
23 And keep your head up.

24 Q. Thank you, sir. That's very kind of you.

1 Thank you.

2 A. Okay.

3 Q. Same to you.

4 A. Okay.

5 Q. Thank you. Thank you again for your time
6 today.

7 A. You're welcome.

8 Q. Okay.

9 A. Thank you.

10 Q. Okay, sir. Bye, bye. Thank you.

11 A. You have a nice day.

12 Q. You, too.

13 (At this time, the deposition
14 concluded at 1:04 p.m.)

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C E R T I F I C A T I O N

I, hereby certify that the proceedings
and evidence noted are contained fully and
accurately in the stenographic notes taken by me
in the foregoing matter, and that this is a
correct transcript of the same.

ANGELA M. KING, RPR,
Court Reporter, Notary Public

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and/or supervision of the
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